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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,164	05/06/2002	Shinobu Kuriya	217870US6PCT	4373
22850	7590	12/27/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HENEGHAN, MATTHEW E				
ART UNIT		PAPER NUMBER		
2134				

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/048,164	Applicant(s) KURIYA ET AL.	
	Examiner Matthew Heneghan	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002 and 06 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/02, 7/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 have been examined.

Priority

2. The instant application is the national stage entry of International Application No. PCT/JP01/04507, filed on 29 May 2001.

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) to Japan Patent Application No. 2000-158547, filed 29 May 2000. The certified copy has been filed in parent Application No. PCT/JP01/04507, filed on 29 May 2001.

Information Disclosure Statement

4. The following Information Disclosure Statements in the instant application have been fully considered:

IDS filed 29 January 2002.

IDS filed 13 July 2004.

Drawings

5. The drawings are objected to because in the file names in figures 5, 15, 22, and 25, the delimiter “¥” is used before and after directory names. It common in the art for the symbols “/” or “\” to be used in such situations instead.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The abstract of the disclosure is objected to because reference characters are included in the description. Correction is required. See MPEP § 608.01(b).

8. The disclosure is objected to because of the following informalities: On page 15, lines 18 and 19; page 21, line 20; page 22, line 7; page 33, lines 8, 10, and 13; page 40, lines 11 and 18; page 64, lines 6-8; page 65, lines 16-18; page 67, lines 4-6, the delimiter "¥" is used before and after directory names. It common in the art for the symbols "/" or "\" to be used in such situations instead.

In page 73, line 10, the reference to step S1106 should be to step S11006.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the second information processing device" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is being presumed that claim 4 is dependent upon claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Patent Publication No. 00/08909 to Dorak et al.

As per claims 1, 9, and 10, Dorak discloses a system wherein a clearinghouse (the information providing apparatus) communicates with an end-user device (the first information processing device). See p. 16, lines 6-13. The end-user device is authenticated by the Electronic Content Digital Store. See p.28, lines 19-25. Usage conditions are stored in the Electronic Content Digital Store, which has updating means for adding to or narrowing usage conditions. See p. 25, lines 2-5 and p. 27, lines 1-11. Usage conditions and information are received during a purchase transaction from the end-user device. See p. 30, lines 5-17.

As per claims 2 and 4, the order is relayed to the Clearinghouse, which updates information as appropriate. See p. 30, lines 24-36.

As per claims 3, 5, 11, 12, and 14-16, the usage conditions control display of the content and permit operation of the content.

As per claim 6, digital certificates are used to authenticate the user of the information providing apparatus. See p. 19, lines 13-27.

As per claims 7 and 13, the end-user device's Content Identification Layer is used to verify (authenticate) the identity of the user. See column 26, lines 1-2.

As per claim 8, links may be maintained using the Internet, which uses the TCP/IP protocol. TCP/IP implementations inherently maintain flags denoting link statuses between the two endpoints of any connection (see p. 16, line 18).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents No. 5,138,712 to Corbin; 5,745,879 to Wyman; 6,189,146 to Misra et al.; and 6,366,953 to Inoue each disclose arrangements for communicating usage rights between a content provider and a user system via an intermediary.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH



December 6, 2005



GREGORY MORSE
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2100